

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, L.P.

Defendants.

Case No. 3:19-cv-00602

ENBRIDGE ENERGY, L.P.

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION and
NAOMI TILLISON, in her official capacity

Counter-Defendants.

Judge William M. Conley
Magistrate Judge Stephen
Crocker

**DECLARATION OF MADELINE LOUISE HABEN TEITELBAUM
IN SUPPORT OF ENBRIDGE'S OPPOSITION TO THE
BAND'S MOTION FOR PRELIMINARY INJUNCTION**

I, Madeline Louise Haben Teitelbaum, declare the following based on personal knowledge to which I am competent to testify:

1. I am a Senior Advisor in the Operations Programs group at Enbridge.
2. As part of my duties, I am knowledgeable about the Enbridge Monitoring and Shutdown Plan (the "Plan") for the area on the Bad River Reservation known as the Meander.

3. Also as part of my duties, I have helped coordinate purge preparedness activities this Spring that go beyond the Plan, so that if Enbridge's pipeline integrity ("PI") department were to recommend that we purge the line, there would be fewer steps to take before a purge could occur.

4. Those preparedness activities taken in preparation for the 1-in-10 year flood event that occurred during the week of April 10, 2023, included the following:

- a. Continuous monitoring of the Meander by PI and regular communications between PI and my department, including internal updates and assessments of conditions at the Meander minimally every 12 hrs.
- b. Staging purge "pigs" and other equipment at Superior Terminal for launch operations.
- c. Placing on "standby status" Enbridge's purge contractors and purge vendors (such as vendors to obtain nitrogen used to purge).
- d. Maintaining frequent contact with purge contractors and vendors.
- e. Keeping internal Enbridge personnel on 24/7 standby status, as well as holding daily meetings to assess current conditions and to make any adjustments needed to increase readiness.
- f. Dewatering the pertinent valve sites numerous times to prepare for purge actions, if necessary.
- g. Staging matting and equipment in Ashland, Wisconsin to be able to prep valve site access if needed.

5. Since the flooding that occurred during the week of April 10th, there have been smaller high-flow events. In preparation for each of these smaller events, we have undertaken the same preparedness activities listed above, except that our internal personnel are not on 24/7 standby status and are not dewatering the valve sites daily. Enbridge would resume dewatering and internal 24/7 standby status if weather conditions were to require it. Enbridge is also continuing

to engage in weekly communications with Enbridge's purge contractors and vendors in order to mobilize them to the site if needed, rather than placing them on standby status.

6. For context, once all the purge preparedness activities listed above and others are complete, the segment of Line 5 within the Reservation can be cleared of product in approximately 40 hours after Enbridge's PI team recommends that Enbridge execute a purge.

7. Enbridge previously estimated that a purge could be completed at this segment of Line 5 within 45 to 48 hours. Through additional assessment, purge simulations and consultation with internal subject matter experts, we now estimate that the segment of Line 5 within the Reservation can be purged and cleared of product in approximately 40 hours. The reduced timeline is not due to any alterations to the purge process itself.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: May 15, 2023

Madeline Louise Haben Teitelbaum